



Littler Mendelson, P.C.
900 Third Avenue
New York, NY 10022.3298

Eli Z. Freedberg
212.583.2685 direct
212.583.9600 main
212.954.5011 fax
efreedberg@littler.com

April 5, 2023

VIA ECF

Hon. John P. Cronan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Guerrero, et al. v. Montefiore Health System, Inc. and CSS Building Solutions Inc.*, No.
22-cv-09194-JPC

Dear Judge Cronan:

We write to provide an update in this matter. The parties have met and conferred regarding Defendant Montefiore Health System, Inc.'s ("Montefiore") pending motion for partial dismissal of the Second Amended Complaint ("SAC"). The parties have agreed to dismiss Counts Four and Five of the SAC for an alleged violation of New York Labor Law § 191 regarding frequency of payments against Montefiore and for an alleged violation of New York Labor Law § 195 regarding wage notices. The parties have prepared and signed stipulations to that effect, which have been filed alongside this letter, and the parties request that the stipulations be so ordered by the Court.

If the Court so orders, Montefiore's pending motion to dismiss Counts Four and Five against it will become moot. Under those circumstances, Montefiore would request that its motion to dismiss be terminated and that it be granted an extension through and including May 1, 2023, to file its answer to the SAC. Plaintiff consents to this extension.

Sincerely,

/s/ Eli Z. Freedberg

Eli Z. Freedberg
Shareholder

The partial motion to dismiss, Dkt. 35, is denied without prejudice as moot given Plaintiffs' agreement not to proceed on Counts Four and Five of the Second Amended Complaint against Defendant Montefiore Health System. By April 14, 2023, Plaintiffs shall file a Third Amended Complaint asserting Counts Four and Five solely against Defendant CSS Building Solutions, Inc. Both Defendants shall respond to the Third Amended Complaint by May 5, 2023. The Clerk of Court is respectfully directed to close Docket Number 35.

SO ORDERED.

littler.com

April 11, 2023
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan".

JOHN P. CRONAN
United States District Judge